

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -
SECURITIES AND EXCHANGE
COMMISSION,

: Plaintiff,

: - against -

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 8-13-09

: STEVEN BYERS et al.,

ORDER

: 08 Civ. 7104 (DC)

: Defendants,

: - and -

: ELKA SHERESHEVSKY,

: Relief Defendant.

- - - - -
CHIN, District Judge

Nashville Warehouse Partners, LLC, Southeast Warehouse
Partners, LLC, Space Park AIM Partnership, and Space Park ISSB
Partnership (the "moving parties") have asked the Court to
clarify a portion of its July 23, 2009 opinion (the "Opinion")
approving the Receiver's proposed plan of distribution.
Specifically, the moving parties seek clarification as to whether
the Court intended the adjudication procedure set forth in the
Opinion to cover parties who maintain that their assets are not
properly part of the receivership estate.

The Court did intend for such matters to be resolved
within the context of the receivership, and, more specifically,
that the adjudication procedure set forth in the Opinion would
govern. Accordingly, any party that does not believe its assets
are properly part of the receivership estate is directed to
attempt to resolve the dispute with the Receiver. If any party

cannot resolve its dispute with the Receiver by August 24, 2009 -- the deadline for the resolution of disputes set forth in the Opinion -- then the Court will decide the matter, along with any other unresolved issues. Whether the Court will resolve such matters on motion or at a hearing will be determined by the Court after the August 24, 2009 deadline has passed.

SO ORDERED.

Dated: New York, New York
 August 13, 2009



DENNY CHIN
United States District Judge